

**FEDERAL DEFENDER OFFICE**

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August 31, 2005

Antionette E.M. Leoney  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210

**RE: United States v. Carlos Ruben Rivera**  
**Criminal No. 04-10192-NG**

Dear Ms. Leoney:

I received your Memorandum Filed Under Seal Regarding Threats, etc. this afternoon. In the last paragraph, you wrote that "it's uncertain at this time whether [the cooperating witness] will appear for Rivera's sentencing hearing on September 14, 2005." Please be advised that the cooperating witness was served a subpoena in hand yesterday evening.<sup>1</sup> Please let me know immediately if you or any agents have advised the cooperating witness that he can ignore such a subpoena.

You titled the Memorandum "filed under seal" without a sealing motion or further explanation. The allegations made in the Memorandum require are serious and, obviously, require review by Mr. Rivera prior to the sentencing hearing. I intend to forward a copy of the Memorandum to Mr. Rivera. Please let me know immediately if you know of some legitimate legal basis for why I should not.

Please free to call me with any questions you may have.

Sincerely,

/s/ Timothy G. Watkins  
Timothy G. Watkins  
Assistant Federal Defender

cc: Court Docket (via ECF)

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<sup>1</sup>You also wrote that the cooperating witness and his family have been relocated out of state by ATF. The subpoena, however, was served to him at his home in New Bedford.